

Approved October 3, 2023

Select Board
Meeting Minutes
September 19, 2023 at 5:30 p.m.
59 Main Street, Hatfield, MA

Present: Select Board: Diana Szynal, Chair, Members Edmund Jaworski and Greg Gagnon

Also in attendance: Marlene Michonski, Town Administrator; Robert Flaherty, Fire Chief; Kyle Scott, Building Inspector; Rich Abott, Chair and Member Mark Gelotte, Open Space Committee; Sarah LaValley, Northampton Office of Planning and Sustainability; Daniel and Alfiya Tarnovski; Attorney Vitaly Yusenko and David Cameron

CALL TO ORDER Chair Szynal called the meeting to order at 5:34 p.m.

ANNOUNCEMENTS Chair Szynal announced the passing of Michael Paszek. Mr. Paszek dedicated his time to several Boards including the School Committee, 350th and Select Board. It was very sad to hear about his passing and we are grateful for the time and service he dedicated to the Town. Our sympathies to Ellen and Jenna.

Chair Szynal reminded everyone of the public forum meeting for the EMS Assessment Report on Wednesday, September 27 at 6:30 pm at the Hatfield Elementary School. We will review and discuss the EMS report.

Chair Szynal announced the Health & Wellness Fair presented by the Hatfield Senior Center. The event will take place on Monday, September 25th from 10:00 am to 2:00 pm at the Senior Center.

Chair Szynal announced the Friends of the Hatfield Council on Aging's 3rd annual fundraiser at Black Birch Vineyard on Wednesday, September 20th from 6:00 to 8:00 pm.

Chair Szynal announced the vacancies for the Town's Boards and Committees. Anyone interested can check on the Town's website. If anyone would like more information about a specific Board or Committee, they can contact the Town Administrator.

PUBLIC FORUM No one.

APPROVAL OF MINUTES Selectman Jaworski made a motion to approve the meeting Minutes of September 5, 2023; Selectman Gagnon seconded; no discussion; all in favor –aye; motion approved with a correction to the date of the EMS meeting changed to September 27.

POSTED BUSINESS

TOPIC 1 Open Space Committee Chair Rich Abbot and Member Mark Gelotte: CT River Greenway Trail Memorandum of Understanding: Rich Abbott, Mark Gelotte and Sarah LaValley presented before the Select Board with the Memorandum of Understanding for the CT River Greenway Trail. Mark Gelotte read through the Memorandum of Understanding. Chair Szynal's concern is the MOU spells out what Northampton will specifically do but Hatfield is not identified clearly. Chair Szynal wants the MOU to be very descriptive of what both parties will do, and the MOU needs to be clearer. Sarah LaValley of the Northampton Office of Planning and Sustainability informed the Board at this stage, the 10% design stage, the 4 parking spaces are not quite finalized. Chair Szynal stated the MOU should be more definitive so there is no question today, tomorrow or 20 years from now. Chair Szynal also wants to know more about the donated land. Ms. LaValley stated there will not be a conservation restriction, but Chair Szynal stated there is a lot of missing information. Selectman Jaworski stated I don't think spelling something out will be difficult on this. Selectman Gagnon asked about parking and Ms. LaValley stated the MOU does not go into detail yet because MassDOT has to review it. Chair Szynal stated the MOU should speak of the care of the parking spaces and who will maintain the spaces. Chair Szynal stated Hatfield reserves the right to have a new MOU at the 25% design stage. Chair Szynal stated I cannot sign this MOU without more detail. If we look at this as a step one MOU, from our standpoint on behalf of the Town, I cannot get into something without knowing what it is. Ms. LaValley stated that at the 10% design stage it allows for funding and continuing conversations with MassDOT, and the next step is 25% design stage. Chair Szynal stated again we need to be sure that we sign off on another MOU and reserve our rights at the 25% design stage to get an updated MOU. Chair Szynal stated that this new MOU should be drawn up in more detail to be reviewed by Town counsel before the Board can take up the matter. Again, Chair Szynal stated I want to reserve our rights to do another MOU at the 25% stage.

Smith Academy Park Pavilion Update: Rich Abbott and Mark Gelotte updated the Select Board. We have the design and drawings from the architect. Rich Abbott stated we didn't go to bid in August because we know contractors are busy this time of year. Mr. Abbott informed the Board Open Space meets on Thursday and will work with Marlene Michonski, Town Administrator, to get the bid out.

TOPIC 2 Daniel and Alfiya Tarnovskiy, Old Stage Road: Discuss town land/conservation restriction area abutting land: Ms. Michonski invited Conservation Commission, DPW, Fire Chief and Building Inspector for this matter. No one from Conservation or DPW were available, but Conservation submitted comments to the Board. Ms. Michonski spoke with Stu Watson of Kestrel Land. There were questions about improving the gravel road. Kestrel Land Trust reviewed the restriction. Because the gravel road pre-dates the conservation restriction, improvements would be acceptable. Widening the road to 20 feet could be allowed; removal of trees - not large trees - can be removed along with brush but trees greater than 4" diameter cannot be removed; and the gravel road must remain a gravel road. Mr. Watson didn't think

there were trees in the way, but Ms. Tarnovskiy said there is one tree - which is a larger tree. Attorney Yusenko asked is there a way to avoid all this if everyone agrees it is just a driveway and not a gravel road. A driveway wouldn't have the 20-foot width requirement. If we can leave it as is, not move the tree, recognizing it as a driveway and let's move on. Kestrel Land Trust has no ability to determine if it's a gravel road or driveway. Robert Flaherty, Fire Chief asked what the length of the driveway would be to the house and Ms. Tarnovskiy replied about 275 feet. Chair Szynal asked is that what you want to be considered your driveway and Ms. Tarnovskiy replied yes. Chief Flaherty replied it doesn't give us much room to get a truck up there including the ambulance. Kyle Scott, Building Inspector stated a driveway over a couple hundred feet is too long and the home would have to have a sprinkler system. Chief Flaherty went on I believe when this was discussed, if the driveway was greater than 200 feet, the driveway is required to be 20 feet wide because we can't get an engine out there, we can't reach it from Old Stage. Chair Szynal asked are there hydrants out there and Chief Flaherty replied no and further, our connects are 200 feet from the truck. Ms. Michonski informed everyone when the Town acquired the land, the above parcel is conveyed with the right of way in a deed and the possible rights of others to use the wood road, but it is a gravel road. Mr. Watson stated these are two separate points, 1) the right of way to use the gravel road to access; 2) other abutters using the road for a timber harvest. Mr. Scott asked why not have a normal driveway from Old Stage. Mr. Tarnovskiy replied because that part of Old Stage Road is sitting on wetland. Ms. Michonski stated that the Conservation Commission received a report and will discuss it at their next meeting on Thursday. Chair Szynal asked Ms. Tarnovskiy - in a perfect world what do you want, and Ms. Tarnovskiy replied I want my house. Chair Szynal asked Ms. Tarnovskiy who promised you that? Ms. Tarnovskiy answered - Kyle. Mr. Scott replied I told you it is not an easy lot - it is buildable if you jump through hoops. Ms. Tarnovskiy stated what we heard before purchasing the property - we were proactive; the way it was advertised and what we were told by the Town was that we need to build a section of a Town road. Ms. Tarnovskiy said we met with the Assessor, Fire Chief, Building Inspector and DPW. On December 1, 2022, we went to a Conservation meeting. We know we bought conservation land, but we were told to build a road and we did. We asked questions, we looked at the map, so we bought the land thinking we only needed to build the road. We were told there are wetlands only on the northern part of the land. I looked at maps and the maps didn't show wetlands, so we proceeded to clear out land and now we have been told to stop. Never has anyone told me I had to jump through hoops, we did what we were told, improve Old Stage Road 400 feet. Chair Szynal asked ideally what is the solution? How do we remedy this? Attorney Yusenko replied to determine the gravel road be a driveway. Chair Szynal replied we need a determination from the Conservation Commission and Attorney Yusenko said Conservation is only looking at the enforcement order and what the Tarnovskiy's need to do for a restoration plan for the work they have already done; Conservation is not looking at driveways. Chair Szynal stated we need to wait until the Conservation Commission meeting, and we need to have Town counsel review this.

Mr. Watson stated Kestrel has the right of way, keep the right of way where it is; our interest is the conservation restriction, but we are flexible. Whatever the Town and Conservation determines how they can proceed, Kestrel will probably go along with it. If it's one tree, we

could work with them. Chair Szynal replied I am not comfortable until Town counsel looks at this and after Conservation meets. Ms. Tarnovskiy stated the right of way has wetlands on both sides. Mr. Tarnovskiy suggested widening the driveway maybe 15 feet, making it a personal driveway to the house. Chair Szynal is hopefully we can find a compromise but there are three lots up there so what will be the next request from the next owner? Chair Szynal stated we, as the Town, need to look at this. Ms. Tarnovskiy stated if we improve the paper part of Stage Road that's not real frontage because it's all wetlands and will not be a solution. Chair Szynal said we need to hear from Town counsel first. Further, Chair Szynal stated we look at the Town interest in allowing development which is safe and being able to get EMS vehicles up there.

TOPIC 3 Appointments/Resignations: Resignation of Karen Karowski from Board of Registrars: The Select Board reviewed the resignation letter of Karen Karowski and accepted her resignation. Selectman Jaworski made a motion to accept the resignation with regret and please send a thank you letter; Selectman Gagnon seconded; no discussion; all in favor – aye; motion approved.

Appointment of Barry Labbe to Board of Registrars: The Select Board reviewed the appointment of Barry Labbe to the Board of Registrars. Selectman Jaworski made a motion to approve the appointment of Barry Labbe to the Board of Registrars; Selectman Gagnon seconded; no discussion; all in favor – aye; motion approved.

TOPIC 4 DPW REPORT

Wastewater Plant Improvement Upgrades/USDA Grant – Update: Ms. Michonski informed the Board the Town applied for a USDA grant for upgrades at the wastewater plant which is the \$12,000,000.00 project. Dave Prickett informed her there was a second round of funding and the USDA is offering a loan/grant for 20%. The loan amount is \$9,491,000.00 and a grant not to exceed 2,406,000.00 and the Town would pay \$132,000.00. The award letter will be arriving soon, and the Town will be required to accept the award.

Request to Carryover Unused Vacation Time: Ms. Michonski informed the Board the DPW Director provided additional information to the Board for his reasons of carrying over time. The directive from the Board is that, while under extreme circumstances, this will not be a common practice from year to year. The Board thanked Mr. Genovese for submitting clarification of the carryover time. Selectman Jaworski made a motion to accept the carryover time of Phil; Selectman Gagnon seconded; no discussion; all in favor – aye; motion approved.

TOPIC 5 TOWN ADMINISTRATOR REPORT

Consultant Agreement (Renewal) with Colonial Power Group for Management of Municipal Electricity Aggregation Program: Marlene Michonski, Town Administrator informed the Select Board the current agreement expired and the Select Board has the renewal Agreement. Selectman Gagnon made a motion to approve the renewal of the Consultant Agreement with

Colonial Power Group for management of municipal electricity aggregation program; Selectman Jaworski seconded; no discussion; all in favor – aye; motion approved.

Animal Control Officer Funding and Training Requirements: Ms. Michonski informed the Board the State is mandating all animal control officers to undergo training and take exams. They are offering training to be taken on their own time. Ms. Michonski informed the Board the Animal Control Officer has a very small stipend for all the work he does, and she is requesting additional funds for his salary. We need to think about increasing expenses and salary. Chair Szynal stated Scott has given this Town incredible service for years. Chair Szynal asked if we could do this this fiscal year and Ms. Michonski said yes. Selectman Jaworski asked to get the hours he spends. Chair Szynal hopes he stays on and I know this training was something he didn't want to do. Chair Szynal suggested getting the Finance Committee on an agenda and getting them the information on Scott and let's look at this.

CONTINUED OLD BUSINESS

TOPIC 6 Discuss Use of Town Hall, 2nd Floor, and Relocating Multimedia Control Room: Ms. Michonski informed the Board the Town received the first payment from Comcast of approximately \$23,000.00. Some of the funds can be used to renovate the second floor as we need to do electrical updates. John Novak addressed the Board suggesting moving all HCTV upstairs and have a conference room upstairs with projectors. The smaller room could be divided with a vestibule. We could make it for other Boards to meet up there. The control room would be Mr. Novak's. Mr. Novak will get preliminary plans and estimates and bring to Town meeting. Mr. Novak informed the Board if we go upstairs, we can go back to streaming live on Channel 15. There could be a dividing wall so there would be a waiting area. Mr. Novak spoke with Cathy Olson and she said Historical is not interested in the space. Selectman Jaworski said he liked the idea of the smaller room to be used by HCTV. I have been pushing for this for quite some time. Selectman Jaworski asked Mr. Novak to touch base with Kyle Scott, Building Inspector, to make sure we don't have to move sprinklers. Mr. Novak told the Board he has the funding. Chair Szynal asked if we would have two meeting rooms and the answer was yes. Ms. Michonski informed the Board there are many times different boards or committees meet and there is no space available. Chair Szynal stated as long as Historical isn't interested in the space, we can move forward. Selectman Jaworski made a motion to allow John to use the small room and move forward and get back to us; Selectman Gagnon seconded; no discussion; all in favor – aye; motion approved.

TOPIC 7 Human Resource Policies, Draft of Dress Code Policy: Ms. Michonski informed the Select Board Town counsel reviewed the policy and she is presenting it to them for approval. Town counsel suggested we talk with the teamsters union and Ms. Michonski spoke with Brian Donovan. Mr. Donovan stated the policy does not go against the collective bargaining agreement. Town counsel made some recommended changes which will be incorporated into the final draft. Selectman Gagnon made a motion to approve the dress code policy; Selectman Jaworski seconded; no discussion; all in favor – aye; motion approved.

TOPIC 8 Day Pond Project Update: Ms. Michonski informed the Select Board we received the report from the environmental engineering company. Selectman Jaworski stated that he, John Wilkes, Rich Abbott, Brian Nicholas, and Mike Szych are looking to Community Preservation to move this project forward. Selectman Jaworski stated that dredging of the pond may be necessary. A survey of the pond would be completed. Selectman Jaworski suggested a walkway to the pond, and we are still talking about a trail from Capawonk. Selectman Jaworski stated Community Preservation is on board with this project and Community Preservation funds would be used for this project. Selectman Jaworski was made aware recently that the pond dates to the 1800's. Ms. Michonski will be looking for letters of support.

UNANTICIPATED NEW BUSINESS

ADJOURN Chair Szynal made a motion to adjourn; Selectman Gagnon seconded; no discussion; all in favor – aye; motion approved. Meeting adjourned at 7:31 pm.

Respectfully,
Karen Brodeur
Executive Assistant